

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/367,009	11/08/99	MORRIS	C 047763-5010

009629
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HM22/0521

EXAMINER

DAVIS, M

ART UNIT

PAPER NUMBER

1642

DATE MAILED:

05/21/01

Pl ase find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 1642

Applicant's election with traverse of group I claims 1-9, SEQ ID NO:3, in Paper No. 8 is acknowledged. The traversal is on the ground(s) that the Examiner has not established that the groups of the restriction are patentably distinct, and that it would not be a burden for the Examiner to examine all the groups together. This is not found persuasive because of the reasons already set forth in the previous Office action, i.e. 1) different sequences are structurally distinct, 2) proteins are structurally distinct from nucleic acid molecules, and 3) different methods in groups I-III are different because they use different reagents protein markers, which are structurally distinct. Thus the searches for different groups are not co-extensive, and it would be a burden for the Examiner to search all the groups together.

However, after review and reconsideration, group IV, claims 10-11, drawn only to the extent of the protein of SEQ ID NO:3, and not SEQ ID NOs: 1 and 2, are rejoined with group I, because this application is a 371 of PCT/AU 98/00071.

The requirement is still deemed proper and is therefore made FINAL.

Accordingly, claims 1-11, SEQ ID NO:3 are examined in the instant application.

SEQUENCE RULE

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. 1.821-25 for the following reasons:

Art Unit:

Claims 10-11 lack sequence identification numbers.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Tam B. Davis whose telephone number is (703) 305-2008. The examiner can normally be reached on Monday-Friday from 9:30am to 3:30pm, except on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Caputa, can be reached on (703) 308-3995. The fax phone number for this Group is (703) 308-4227.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0916.

Minh-Tam B. Davis

May 15, 2001


SUSAN UNGAR, PH.D
PRIMARY EXAMINER